

# Notice of Allowability

Application No.

10/584,952

Examiner

Erich A. Leaser

Applicant(s)

NAKAZATO ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☒ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date July 5, 2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

### ALLOWANCE

1. Claims 1-5 are allowed.

### *Priority*

2. Acknowledgement is made that this application is a 371 of PCT/JP05/00323, filed January 6, 2005, which claims foreign priority to JAPAN 2004-001312, filed January 6, 2004.

### *Information Disclosure Statement*

3. The references disclosed in the IDS dated July 5, 2006, are made of record.
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In a telephone discussion dated July 3, 2007, Applicant gave Examiner authorization for this Examiner's Amendment.

5. The Application has been amended as follows:

Claim 1: AMENDED: delete the “)” after the number 2 in the second to last line of the claim on page 4 and insert a “;” at this same position. Also, include a page break or hard return at this same position so the line beginning “or individual ...” starts from a new paragraph.

Claim 4: AMENDED: replace “An antagonist for CRF receptors,” with “A composition”.

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Claim 5: AMENDED: replace the existing claim with "A method for treating depression or anxiety comprising administering to a patient in need of treatment a pharmaceutically effective amount of the triaza-cyclopenta[cd]indene derivative, a pharmaceutically acceptable salt thereof or its hydrate according to claim 1."

***Reasons for Allowance***

6. The following is an Examiner's statement of reasons for allowance: The elected invention is free of the prior art. The closest prior art with respect to the present invention is Bonamico, et al., *Condensation Reactions of Tetracyanoethylene and its Monoanion Promoted by Lewis Acids: Synthesis and Crystal, Molecular, and Electronic Structure of a Novel Heterocycle, the 2, 3, 6, 7-Tetracyano-5-(tricyanoethenylimino)-3H-1,4,7b-triazabenzof[i,j]pentalenide Ion*, J. Chem. Soc. Perkin Trans. 2, 121-125 (1990). Bonamico et al. teaches 2, 3, 6, 7-Tetracyano-5-(tricyanoethenylimino)-3H-1,4,7b-triazabenzof[i,j]pentalenide compounds very similar to the allowed claims in that the core of the compounds of the reference and the instant claims are the same whereas the substituents are very different.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Erich A. Leeser whose telephone number is 571-272-9932. The Examiner can normally be reached Monday through Friday from 8:30 to 6:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax number for the organization where this application is assigned is 571-273-8300.

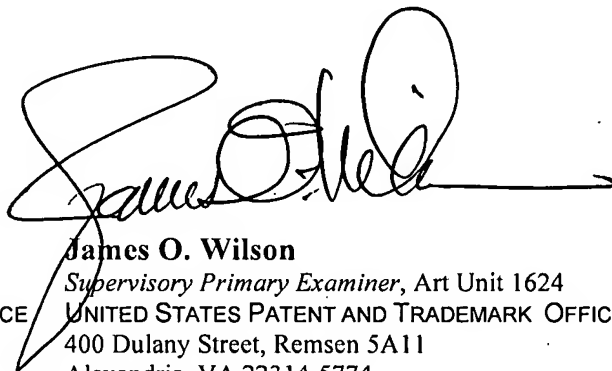
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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